

Oriental Realty Corp., d/b/a Manhattan Beach Hotel and Local 144 Associated Hotel, Hospital, Nursing Home and Allied Services Union, SEIU, AFL-CIO. Case AO-231

ADVISORY OPINION

A petition was filed on February 27, 1981, by Oriental Realty Corp., d/b/a Manhattan Beach Hotel, herein called the Employer, pursuant to Sections 102.98 and 102.99 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, seeking an advisory opinion as to whether the Board, on the basis of its current jurisdictional standards, would assert jurisdiction over the Employer. On March 9, 1981, the Employer filed a memorandum of fact and law in support of its petition.

In pertinent part, the petition and memorandum allege as follows:

1. Pending before the New York Labor Relations Board, herein called the State Board, is an unfair labor practice proceeding, Case Number SU-53422, filed by Local 144 Associated Hotel, Hospital, Nursing Home and Allied Services Union, SEIU, AFL-CIO, herein called the Union, alleging that the Employer refused to bargain with the Union with respect to service employees located in the Employer's hotel building at 156 East End Avenue, Brooklyn, New York.

2. The Employer owns a hotel building at 156 East End Avenue, Brooklyn, New York. Its gross annual rental roll for the hotel building during the fiscal year ending May 31, 1980, was in excess of \$586,024, while its purchases of goods and services involved in interstate commerce were in excess of \$50,000.

3. The Union has not admitted or denied the aforesaid commerce data, and the State Board has made no findings with respect thereto.

4. Although served with a copy of the petition for advisory opinion, neither the Union nor the State Board has filed a response thereto as permitted by the Board's Rules and Regulations.

5. There is no representation or unfair labor practice proceeding involving the same labor dispute pending before the Board.

On the basis of the foregoing, the Board concludes that:

1. The Employer is the owner of the hotel building at 156 East End Avenue, Brooklyn, New York.

2. The Board's current standard for the assertion of jurisdiction over owners of hotel buildings, who come within the Board's legal jurisdiction, is a gross annual revenue in excess of \$500,000.¹ As indicated above, the Employer annually derives in excess of \$500,000 from its hotel building, and therefore meets the aforesaid monetary standard. As the more than \$50,000 annual purchase of goods and services involved in interstate commerce is sufficient to establish the Board's legal jurisdiction, the assertion of jurisdiction over the Employer is warranted.

Accordingly, the parties are advised, under Section 102.103 of the Board's Rules and Regulations, Series 8, as amended, that, based on the allegations herein, the Board would assert jurisdiction over the Employer with respect to labor disputes cognizable under Sections 8, 9, and 10 of the Act.

¹ *Penn-Keystone Realty Corp.*, 191 NLRB 800 (1971); *Karl Gerber, Max Taetle, Nathan Metz & Estate of Bernard Katz, Co-Partners d/b/a Parkview Gardens*, 166 NLRB 697 (1967).